



GYLA presented trial monitoring results

On March 10, 2016, Georgian Young Lawyers' Association presented results of monitoring trials in the city and appellate courts of Kutaisi and Tbilisi. The trial monitoring is carried out by GYLA with financial support from the US Agency for International Development through the project Promoting Rule of Law in Georgia (PROLoG), implemented by the East-West Management Institute (EWMI).

The aim of the project is to increase transparency in criminal proceedings in Georgian courts by monitoring and reporting about trials in courtrooms. GYLA has published 8 monitoring reports so far, for the reporting period from October 2011 through October 2015. The eighth trial monitoring report of GYLA covers the period from February 2015 through October 2015. The monitoring during the reporting period revealed the

following:

- Continued use of preventive measures in most of the cases. Court continues to use the following two types preventive measures most often: bail and imprisonment. Prosecution demands use of preventive measures in almost all of the cases.
- Percentage rate of unfounded decisions about use of bail and imprisonment increased. In almost all of the cases the prosecution didn't have any information about defendant's financial situation but it was requesting bail regardless. Although court often tried to establish defendant's financial situation, it doesn't necessarily mean that subsequent decisions were always substantiated.
- In addition, in some cases bail set for defendants in cases of domestic violence were often unfounded. The amount of bail set by court was inadequate as a measure to prevent a defendant from fleeing. This way, the judge was potentially jeopardizing life and health of women victims of domestic violence.
- GYLA welcomes recent amendments to the criminal law to allow periodic revision of imprisonment by a judge. However, in all cases of revisions during the reporting period, the judge upheld detention, which leads us to believe that the procedure has been introduced for the formalities' sake.
- At plea bargain hearings in some cases that involved petty crimes the prosecution filed a motion for a plea bargain and the judge granted the motion, despite the fact that the legislation envisaged release of a defendant from a criminal liability because it was a small crime.
- In most of the cases, prosecution performed search and seizure under emergency exception.
- In fifty-three cases that were concluded, three of the verdicts were verdicts of not guilty, while all verdicts adopted by courts during previous reporting period were verdicts of guilty.

GYLA remains hopeful that its recommendations and conclusions will be considered by judges in both the courts monitored by GYLA and other district courts of Georgia where the monitoring is not performed. The GYLA believes this will encourage improvement of criminal justice system in Georgia.

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GEORGIAN YOUNG LAWYERS' ASSOCIATION



The monitoring project was made possible by the generous support of the American people through the US agency for International Development (USAID). The contents are the responsibility of the Georgian Young Lawyers' Association and Transparency International - Georgia and do not necessarily reflect the views of USAID, the United States Government or the East West Management Institute.